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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,862	04/26/2000	Hidenori Nikaido	9333/238	1329

757 7590 05/20/2004

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EXAMINER

FLETCHER, JAMES A

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/557,862

Applicant(s)

NIKAIDO ET AL.

Examiner

James A. Fletcher

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4-5, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsuyama et al (5,740,304).

**Regarding claims 1, 8 and 9**, Katsuyama et al disclose a disk playing apparatus and method for marking playback locations when images and /or sound stored in a disk storage medium are being played and for subsequently playing the images and/or the sound from the marked playback locations as playback start positions, comprising:

- means and step for creating and storing playback location specifying data for specifying the playback locations marked during playback (Col 20, lines 52-54 "If the user depresses a book mark register key 22 during the replay operation, data relating to an address of the replay point, etc. is registered in a memory");
- means and step for displaying a selection menu including choices associated with playback images corresponding to the playback locations based on the playback location specifying data stored by the specification data creation and storage means (Col 20, lines 62-65 "For example, the +/- selection key 13 and the replay key 5 functioning as the selection key are used for the selection of the registered book mark points"); and
- means for playing, when any of the choices included in the selection menu is selected, the images and/or the sound from the associated playback location

as the playback start position (Col 20, lines 60-63 "When one of the registered book mark points is selected after the depression of the book mark replay key 23, replay is started from its replay point").

**Regarding claim 2**, Katsuyama et al disclose a disk player wherein each of the playback location specifying data includes information for identifying the disk storage medium to be played (Col 24, lines 1-5 "the user conducts the operation of the book mark registration... Then, the point during that operation is registered in the memory 54 as a book mark BM2 together with disc discrimination information").

**Regarding claim 4**, Katsuyama et al disclose a disk player wherein each of the playback location specifying data includes information about a playback time from the start of title playback to the marked playback start position (Col 26, lines 44-46 "the absolute time addresses AMIN, ASEC and AFRAME of the present replay point are stored as book mark registration data in the memory 54").

**Regarding claim 5**, Katsuyama et al disclose a disk player wherein the information for identifying the disk storage medium includes a disk name included in video manager information (Col 25, lines 29-31 "The disc discrimination data is produced from, for example, a value combining track No, of the final track in the disc with a total performance item. Because that value is hardly identical in different disc software, it becomes discrimination data inherent in the respective disc software").

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama et al as applied to claims above, and further in view of Kikuchi et al (6,532,334).

**Regarding claim 3,** Katsuyama et al do not disclose a disk player wherein each of the playback location specifying data includes a video title set number of a video title set corresponding to a title being played.

Kikuchi et al teach a player wherein each of the playback location specifying data includes a video title set number of a video title set corresponding to a title being played (Col 11, lines 27-35 "the following items are written at the time of the interruption of the playback: the title number of the title whose playback has been interrupted, the part-of-title number at which the playback has been interrupted, the PGC number at which the playback has been interrupted, the program number in the PGC whose playback has been interrupted, the cell ID whose playback has been interrupted, and the ID of the video object unit whose playback has been interrupted").

As taught by Kikuchi et al, video title set numbers are a well known, widely used, and commercially available management and navigation data, and allow the player to properly handle and navigate the program data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Katsuyama in order to include the storage of a video title set number as part of the playback location specifying data.

**Regarding claim 7**, Katsuyama et al disclose a disk player wherein the playback time is the sum of a playback time (Col 26, lines 44-46 "the absolute time addresses AMIN, ASEC and AFRAME of the present replay point are stored as book mark registration data in the memory 54"), but do not disclose that time as being included in a navigation pack of a VOB.

Kikuchi et al teach a player with a playback marker derived from a time mark in a navigation pack in a video object unit being read when the playback start position is marked, from the start of the title playback to the start of reading the corresponding video object unit and a time from the start of reading the video object unit to the marked playback start position (Col 20, lines 35-41 "the address of the VOB to be reproduced first after the interruption of playback is...marked easily by preparing a time map describing the relationship between the elapsed time in the cell marked with the marker specified by a cell number and the address of the VOB").

As taught by Kikuchi et al, in DVD playback VOB data is a well known, widely used and commercially available means of managing and navigating playback data.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Katsuyama et al to utilize VOB data in the book mark data.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama.

**Regarding claim 6**, Katsuyama et al do not disclose a disk player wherein the selection menu display means creates, when displaying the selection menu, the

playback images associated with the choices by reading data stored in the disk storage medium.

The examiner takes official notice that indexes utilizing representative images derived from visual data of the objects being indexed are notoriously well known, widely used, and commercially available, and provide a user with a graphic indication of the graphic image being indexed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide an image to the user associated with the data stored in the disk storage medium.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

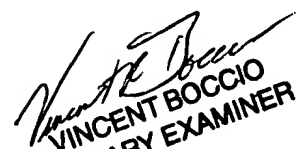
**(703) 872-9314 (for Technology Center 2600 only).**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF  
May 14, 2004

  
VINCENT BOCCIO  
PRIMARY EXAMINER